

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	CR419-150
)	
WORLD MINING AND OIL)	
SUPPLY, <i>a/k/a</i> WMO, <i>et al.</i> ,)	
)	
Defendants.)	
)	

ORDER

On October 13, 2020, the grand jury returned the Third Superseding Indictment in this commercial conspiracy case. *See* doc. 159. The Government has requested that the Court issue summonses to several defendants named in that indictment. *See* Fed. R. Crim. P. 9(a). The Government’s request indicated that several foreign organization defendants could be served through attorneys retained to represent them. In order to issue the summonses in a way that permits effective service,¹

¹ The Rule requires that the Court “issue . . . the summons to a person authorized to serve it.” Fed. R. Crim. P. 9(a). Rule 4(c)(1) directs that “[a]ny person authorized to serve a summons in a federal civil action may serve a summons.” The Federal Rules of Civil Procedure, in turn, state that “[a]ny person who is at least 18 years old and not a party to may serve a summons and complaint.” Fed. R. Civ. P. 4(c)(2). It is the practice of this Court to issue criminal summonses to the United States Marshal for service. Although the defendant’s location is not information required for issuance of a summons, *see* Fed. R. Crim. P. 9(b); *see also* Fed. R. Crim. P. 4(b) (incorporated into Rule 9(b) by reference), in the case of foreign organizations, it is not clear that issuance


the Court needs more than an informal indication that service on the attorneys of the various defendants is acceptable.

Federal Rule 9(c)(1)(A) requires that a “summons [on an indictment be] served as provided in Rule 4(c)(1), (2), and (3).” As relevant here, Rule 4(c)(3)(D) provides the requirements for serving “an organization not within a judicial district of the United States.” *Id.* Among the means of service provided in that Rule is the possibility of service “by any other means that gives notice, including one that is . . . stipulated by the parties.” Fed. R. Crim. P. 4(c)(3)(D)(ii)(a). The Court assumes that the Government’s request to serve the summonses on the identified attorneys implies such a stipulation. However, the Court cannot rely on assumption and inference. The Government is, therefore, **DIRECTED** to supplement its request for issuance of a summons. If the parties have entered into a stipulation concerning the service of the requested summons, the

to the Marshal is appropriate, given that he may not be “authorized to serve it” in every case. *See generally* Fed. R. Crim. P. 4(c)(3)(D). Therefore, as discussed further below, the Court requires the Government to supplement its request for issuance of the summons to clarify to whom it may be properly issued.

Government is **DIRECTED** to file formal notice of that stipulation with the Court.

SO ORDERED, this 30th day of October, 2020.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA